

## REMARKS

The Examiner mailed a Notice of Non-Compliant Amendment on 11/23/2009, alleging that “new limitations in independent claims 17, 28, and 29 fail to read on the elected species, which is Species 6 of Figure 6.” Applicants, however, elected Figure 9, not Figure 6, in the response mailed 8/8/2007.

Nonetheless, independent claims 17, 28, and 29 do in fact read on the elected Species in Figure 9. In reference to the device shown in Figure 9, Applicants state that “[d]evice 80 may be *delivered and deployed at the treatment site in the same manner as the embodiments described above.*” (paragraph [0045]; emphasis added).

In paragraph [0028], Applicants describe an “anchor and cinch” method of deployment, details of which can be found in limitations of independent claims 17, 28, and 29. Applicants also describe benefits of incorporating a focal deflector in a device during the deployment of the device. For example, in reference to Figures 1 and 2, “[b]ecause of the action of focal deflector 28, the desired reshaping of the mitral valve annulus may be achieved *with less cinching.*” (paragraph [0034], lines 1-2; emphasis added). The embodiment in Figures 1 and 2 is therefore described as being able to be deployed with an “anchor and cinch” method described in at least paragraph [0028]. The device in Figure 3 is also described as being able to be deployed with an “anchor and cinch” method (see paragraph [0036], lines 5-7). The device in Figures 4 and 5 is similarly described as being able to be deployed with an “anchor and cinch” method (see paragraph [0040], lines 9-12). Finally, the embodiment in Figures 7 and 8 additionally describes the “anchor and cinch” method (see paragraph [0044], lines 1-3). When Applicants state, in reference to Figure 9, that the device may be “delivered and deployed at the treatment site *in the same manner as the embodiments described above.*” (paragraph [0045]; emphasis added), Applicants are disclosing that the device in Figure 9 can be deployed using “anchor and cinch” methods of deployment, which are recited in independent claims 17, 28, and 29.

The limitations in independent claims 17, 28, and 29 do in fact read on the elected species in Figure 9, and Applicants request that the Examiner allow the pending claims.

**CONCLUSION**

Applicants request reconsideration and allowance of all claims pending in this application. If a telephone conference would expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Respectfully submitted,



By:

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